

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: September 15, 2004

Division: Growth Management

Bulk Item: Yes X No _____

Department: Planning

AGENDA ITEM WORDING:

A public hearing to repeal BOCC Ordinance 11A-2004 due to a scrivener's error. [Only one public hearing required]

ITEM BACKGROUND:

This item was heard at the April 21, 2004 BOCC meeting and was approved. The ordinance contained a scrivener's error. However, the language contained in Ordinance 11A-2004 is also found in Ordinance 10-2004 with the correct enumeration. When Ordinance 10-2004 is replaced to correct a separate scrivener's error there will be no need to produce a replacement ordinance for Ordinance 11A-2004.

PREVIOUS RELEVANT BOARD ACTION: BOCC Ordinance 11A-2004

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATION: Approve the repeal of Ordinance 11A-2004

TOTAL COST: NA

BUDGETED: Yes _____ No _____

COST TO COUNTY: NA

SOURCE OF FUNDS: NA

REVENUE PRODUCING: Yes ___ No X **AMOUNT PER MONTH** _____ **YEAR** _____

APPROVED BY: County Attorney _____ OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL: _____


Timothy J. McGarry, AICP

DOCUMENTATION: Included X To follow _____ Not required _____

DISPOSITION: _____

AGENDA ITEM # 52

BOCC STAFF REPORT

MEMORANDUM

TO: The Monroe County Board of County Commissioners
FROM: K. Marlene Conaway, Director of Planning
DATE: August 26, 2004
MEETING DATE: September 15, 2004
RE: Repeal of BOCC Ordinance 11A-2004 due to a scrivener's error.

I. BACKGROUND.

Ordinance 11A-2004, that amended Section 9.5-122.3 of the Monroe County Land Development Regulations to prohibit the award of ROGO points for aggregation in specific areas, was found to have a scrivener's error. Specifically, the ordinance erroneously indicated that the language regarding the awarding of ROGO points for aggregation was Section 9.5-122.3 (a)(3) Additional requirements #2, rather than #1.

II. ANALYSIS.

Ordinance 11A-2004 was found to contain a scrivener's error that did not affect the textual content of the ordinance. However, the same language is found in Ordinance 10-2004 and is correctly enumerated therein. Ordinance 10-2004 also contained a separate scrivener's error and is being repealed and replaced with a new ordinance that will remove the existing scrivener's error while maintaining the identical language. The repeal of Ordinance 11A-2004 in conjunction with the replacement of Ordinance 10-2004 with a new ordinance will obviate the need for a replacement ordinance for 11A-2004. The replacement ordinance for Ordinance 10-2004 which contains the identical language ordinance is consistent with all applicable goals, policies and objectives of the Monroe County Year 2010 Comprehensive Plan as well as Florida Statutes and Florida Administrative Code.

III. FINDINGS OF FACT.

1. BOCC Ordinance 11A-2004 contained a scrivener's error.
2. Ordinance 11A-2004 will be repealed.
3. A replacement ordinance for 11A-2004 is not needed due to the fact that the same language exists in Ordinance 10-2004.

IV. RECOMMENDATION:

The Growth Management Staff recommends **APPROVAL** of the proposed repeal of BOCC Ordinance 11A-2004.